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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,639	06/23/2005	Reinhard Koch	INA-PT145 (4151-18-US.1)	5384
3624	7590	07/30/2008	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			BOWES, STEPHEN M	
		ART UNIT	PAPER NUMBER	4165
		MAIL DATE	DELIVERY MODE	07/30/2008 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,639	KOCH, REINHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEPHEN BOWES	4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/23/2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Plastic Guide Rail for Drive Chain.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: Applicant claims "extending through the bushing to and axially contacting." Applicant should change to "extending through the bushing and axially contacting a motor housing." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gröger et al (U.S. Patent No. 4,832,664) in view of Diehm (U.S. Patent No. 6,036,613). As per claim 1, Gröger et al discloses a guide rail for drive chains comprising an assembly (Title) comprising a metal bushing (metallic bush, 33; Fig. 3) which is inserted

into a plastic supporting body (carrier 4, Fig. 1; Abstract) for a tensioning rail or a guiding rail (Col. 4, lines 26-27) of a chain drive (Col. 4, lines 26-28) of an internal combustion engine (Col. 4, lines 26-28), the bushing comprises a rotationally symmetrical body (metallic bush 33 is cylindrical, Fig. 3) and is inserted into a mounting hole of the supporting body (carrier 4, Fig. 3; Col. 3, lines 15-17) with an end section facing the motor being provided with a circular step (collar 34, Fig. 3) for a transition to a reduced exterior diameter (34, Fig. 3) by which the bushing is axially held to a step provided with a reduced interior diameter (collar 34, Fig. 3), located inside the mounting hole of the supporting body (34, Fig. 3).

However, Gröger et al fails to disclose a guide rail being mounted by a screw extending through the bushing to and axially contacting a motor housing.

Diehm discloses a guide rail comprising a guide rail being mounted by a screw (bolt 29, Fig. 1; Col. 3, lines 43-45) extending through the bushing to and axially contacting a motor housing (Col. 3, lines 43-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bushings, bearing pins and pin connections of Gröger et al by threading them as taught by Diehm in order to improve the engine and guide rail bond and allow for easier manual manipulation.

As per claim 2, Gröger et al discloses a guide rail for drive chains comprising an assembly according to claim 1, wherein the support body with the mounting hole is surrounded by the guiding rail or tensioning rail formed from plastic (Col. 2, lines 32-33).

As per claim 3, Gröger et al discloses a guide rail for drive chains comprising an assembly according to claim 1, wherein the bushing, is used at a tensioning rail (Col. 1, lines 25-26), and inside the mounting hole a gap is provided (gap is implicit; there are only two joints and the slotted bore is known to be moveable, Col. 3, lines 13-20) to allow pivoting of the support body around a bushing axis (Col. 3, lines 13-20).

As per claim 4, Gröger et al discloses a guide rail for drive chains comprising an assembly according to claim 1, wherein the mounting hole of the support body is a reference bore or a primary mounting hole (hole inside bushing does not have specific name, Fig. 3).

As per claim 5, Gröger et al discloses a guide rail for drive chains comprising an assembly according to claim 4, wherein a secondary mounting hole is provided (slotted bore 35, Fig. 1, 4) and is formed as an oblong hole in the supporting body (35, Fig. 1, 4) in addition to the reference bore (35, Fig. 1, 4).

As per claim 6, Gröger et al discloses the claimed invention according to claim 5, except for a bead located on a wall region of the reference bore and received in a circular groove of the inserted bushing. Collar 34 is rectangular and prevents the bushing from sliding out in the same way as the bead does. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a semicircular shape in lieu of the rectangular collar, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1966).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertaining to:
  - a. Friedrichs (U.S. Patent No. 4,826,468), 5/2/1989 {Plastic chain tensioner with odd-sized holes, bushings}
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Stephen Bowes, whose telephone number is 571-270-5787. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm, except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

/BRADLEY KING/  
Primary Examiner, Art Unit 3683

/STEPHEN BOWES/  
Examiner, Art Unit 4165

Application/Control Number: 10/540,639  
Art Unit: 4165

Page 6